

805 KAR 4:085. Dealer registration; record requirements.

RELATES TO: KRS 351.350, 351.365, 351.367(6), (7), (9), 26 C.F.R. 55.121-55.129

STATUTORY AUTHORITY: KRS 351.335(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 351.335(1) authorizes the Department for Natural Resources to promulgate rules and administrative regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This administrative regulation establishes requirements for explosive dealer registration and the retention of records relating to explosives transactions.

Section 1. A person intending to engage in business as an importer, manufacturer, or dealer of explosive materials is required by KRS 351.365 to register with the Department for Natural Resources. Registration shall be done, prior to engaging in business, by filling out the registration form (EC-12). This form shall be completed and submitted to the department annually.

Section 2. Record Requirements. (1) A person, corporation or entity engaged in the manufacture, purchase, distribution or selling, of explosives shall maintain, in a permanent form, records of importation, production, shipment, receipt, sale or other disposition, including the number of the permit to purchase explosives.

(2) All records shall be retained for a period of not less than five (5) years from the date the transaction occurs or until discontinuance of business or operations. All records shall be subject to inspection and examination by the Department for Natural Resources.

(3) The records required to be maintained pursuant to Title 26, part 55.121-55.129 of the Code of Federal Regulations of the Bureau of Alcohol, Tobacco, and Firearms shall satisfy the requirements of this section.

Section 3. Magazine Identification. (1) A magazine shall have identification tags. A semitrailer containing blasting agents is excluded from this requirement if it has a current license plate attached.

(2) An identification tag shall be approximately three (3) inches long by two (2) inches wide and shall be lettered or painted directly onto the magazine or attached so that normal use and weather will not render the tag illegible.

(3) The tag shall provide the following information:

- (a) Name of owner;
- (b) Address;
- (c) Person responsible for security of the magazine; and
- (d) Telephone number.

Section 4. Incorporation by Reference. (1) Form "(EC-12)", (revised December 1996), is incorporated by reference.

(2) It may be inspected, copied, or obtained from the Department for Natural Resources, 300 Sower Boulevard, Frankfort, KY 40601 during normal business hours, Monday through Friday, 8 a.m. to 4:30 p.m. (2 Ky.R. 611; 3 Ky.R. 364; eff. 9-1-1976; 17 Ky.R. 3270; 18 Ky.R. 49; eff. 6-26-1991; 23 Ky.R. 1751; 2492; eff. 12-11-1996; TAm eff. 8-9-2007; TAm eff. 7-6-2016; Crt eff. 6-27-2018.)